

Environmental Protection Agency

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submitted to EPA not later than August 31, 1990, as part of the determination of adequacy of the current SIP to attain and maintain the PM₁₀ air quality standards.

(b) We request that the total suspended particulate nonattainment areas in Omaha and Weeping Water (all secondary nonattainment) and Louisville (Primary nonattainment) be redesignated to unclassifiable.

[54 FR 21063, May 16, 1989]

§ 52.1424 Operating permits.

Emission limitations and related provisions which are established in Nebraska operating permits as Federally enforceable conditions shall be enforceable by EPA. The EPA reserves the

right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirement which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

[61 FR 4901, Feb. 9, 1996]

§ 52.1425 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to § 51.104 and subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

NEBRASKA—COMPLIANCE SCHEDULES

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
ASARCO, Inc	Omaha, NE	Nebraska DEC Second Amended Administrative Order No. 753.	Nov. 12, 1986	Not applicable	Feb. 1, 1988

[41 FR 22350, June 3, 1976, as amended at 41 FR 52456, Nov. 30, 1976; 42 FR 16140, Mar. 25, 1977; 50 FR 4512, Jan. 31, 1985; 51 FR 40675, 40676, Nov. 7, 1986; 52 FR 28696, Aug. 3, 1987; 54 FR 25259, June 14, 1989]

§ 52.1426 Original identification of plan section.

(a) This section identifies the original "Nebraska Air Quality Implementation Plan" and all revisions submitted by Nebraska that were Federally approved prior to July 1, 1998.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Request submitted by the Governor on January 24, 1972, for a two-year extension in order to meet the primary standard for NO_x in the Omaha-Council Bluffs AQCR. (Non-regulatory)

(2) Clarification of section 11 of the State plan submitted on February 16, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(3) A confirmation that the State does not have air quality control standards based on the enclosed dis-

approval of the State Attorney General was submitted on April 25, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(4) Revision of Rules 3 through 18 and Rule 21 and 22 submitted on June 9, 1972, by the Governor.

(5) Amendments to the Omaha Air Pollution Control Ordinance 26350 submitted on June 29, 1972, by the Governor.

(6) Letters submitted September 26 and 27, 1972, from the State Department of Environmental Control revising Rule 3 and Rule 5 of the State Rules and Regulations.

(7) Letters clarifying the application of the State emergency episode, rule 22(a), submitted October 2, 1972, by the State Department of Environmental Control. (Non-regulatory).

(8) Revision of the State air regulations to expand emission limitations to apply State-wide, change procedures

for preconstruction review of new sources, change procedures for disapproving construction permits for new or modified sources and add new sulfur oxide emission standards was submitted on February 27, 1974, by the Nebraska Department of Environmental Control.

(9) Copy of the State's analysis of ambient air quality in Standard Metropolitan Statistical Areas in the State and recommendations for designation of Air Quality Maintenance Areas submitted by the Department of Environmental Control on May 9, 1974. (Non-regulatory)

(10) Compliance schedules were submitted by the Department of Environmental Control on September 13, 1974.

(11) Compliance schedules were submitted by the Department of Environmental Control on February 21, 1975.

(12) Compliance schedules were submitted by the Department of Environmental Control on May 23, 1975.

(13) Revision of regulations to include the second group of New Source Performance Standards and provide for granting of post-attainment variances and releasing of emission data was submitted on August 5, 1975, by the Governor.

(14) Compliance schedules were submitted by the Governor on August 27, 1975.

(15) Compliance schedules were submitted by the Governor on January 1, 1976.

(16) Compliance schedules were submitted by the Department of Environmental Control on January 15, 1976.

(17) Amended State law (LB1029) giving the Department of Environmental Control authority to require monitoring of emissions, require reporting of emissions and release emission data was submitted by the Governor on February 10, 1976.

(18) Compliance schedules were submitted by the Governor on April 23, 1976.

(19) Compliance schedules were submitted by the Governor on October 27, 1976.

(20) Revised Rule 17, requiring continuous opacity monitoring by power plants, was submitted on November 2, 1976, by the Governor.

(21) A plan revision to meet the requirements of 40 CFR 58.20, dealing with statewide air quality monitoring and data reporting, was submitted by the Governor on June 19, 1981.

(22) Revised Rule 13, granting an increase in the visible emission limitations for existing teepee waste wood burners and alfalfa dehydrators, was submitted by the Governor on December 29, 1977.

(23) Revision to the SIP concerning the adoption of the Lancaster County Air Pollution Control Resolution was submitted by the Governor on April 4, 1977.

(24) Revision to the SIP concerning the adoption of the revised local air pollution control ordinances for the cities of Omaha and Lincoln was submitted by the Governor on December 27, 1977.

(25) State plan revisions and corrections thereto to attain the National Ambient Air Quality Standards for total suspended particulate in Douglas and Cass Counties, designated as non-attainment under section 107 of the Clean Air Act Amendments of 1977, were submitted by the Governor on September 25, 1980, and on August 9, 1982. Included in the plan are revised Rule 6, and new Rule 5A.

(26) New Rule 18, "Compliance; Exceptions Due to Startup, Shutdown, or Malfunction," was submitted by the Governor on August 9, 1982.

(27) A plan revision to provide for Intergovernmental Consultation and Coordination and for Public Notification was submitted to EPA by the Governor of Nebraska on August 9, 1982.

(28) A plan revision for attaining and maintaining the National Ambient Air Quality Standard for Lead in the State of Nebraska was submitted to EPA on January 9, 1981, by the Governor. Additional material was submitted by the State on August 5, 1981 and January 11, 1983. All portions of the submittals are approved except the control strategy for Omaha and the request for a two year extension to attain the lead standard in Omaha.

(29) Revisions to Rule 1, "Definitions," and to Rule 4, "New and Complex Sources; Standards of Performance, Application for Permit, When Required;" and a new regulation: Rule

4.01, "Prevention of Significant Deterioration of Air Quality," were submitted by the Governor on May 23, 1983; clarifying letter dated May 30, 1984.

(30) On July 24, 1984, Nebraska submitted a lead SIP for Omaha. Additional portions of the Omaha lead SIP were submitted by the State on November 17, 1983, and August 1, 1984. EPA withheld action on the enforceable control measures contained in the Omaha lead SIP, but approved all other portions.

(31) Revisions to Chapter 10 "Incinerators; Emission Standards;" Chapter 12 "Sulfur Compound Emissions; Emission Standards;" Chapter 14 "Open Fires, Prohibited; Exceptions;" and Chapter 20 "Emission Sources; Testing; Monitoring" were submitted by the Governor on October 6, 1983.

(32) Revisions to Chapter 1, "Definitions;" Chapter 4, "Reporting and Operating Permits for Existing Sources; When Required"; and Chapter 5, "New, Modified, and Reconstructed Sources; Standards of Performance, Application for Permit, When Required", were submitted by the Governor on October 6, 1983. These revisions deleted the review requirements for complex sources of air pollution for the entire State. These review requirements were adopted by the State on February 22, 1974 (submitted on February 27, 1974) and were approved by EPA on September 9, 1975. See paragraph (c)(8) above. Approval action was taken on the deletion of these requirements except as they pertain to the Lincoln and Omaha CO nonattainment areas.

(33) A State Implementation Plan revision to provide for attainment of the carbon monoxide standard in Omaha was submitted by Governor Kerrey on April 3, 1985. Action was also taken to delete review requirements for complex sources of air pollution in Omaha; see paragraph (c)(32) of this section.

(i) Incorporation by reference.

(A) An RFP curve from page 27 of the Carbon Monoxide State Implementation Plan for Omaha, Nebraska, dated January 18, 1985.

(ii) Additional material.

(A) Narrative submittal entitled "Carbon Monoxide State Implementa-

tion Plan for Omaha, Nebraska", including an attainment demonstration.

(B) Emission Inventory for carbon monoxide sources.

(34) A State Implementation Plan revision to provide for attainment of the carbon monoxide standard in Lincoln was submitted by Governor Kerrey on April 3, 1985. Action was also taken to delete review requirements for complex sources of air pollution in Lincoln; see paragraph (c)(32) of this section.

(i) Incorporation by reference.

(A) An RFP table from page 18 of the State Implementation Plan Revision for Carbon Monoxide for Lincoln, Nebraska, adopted on March 1, 1985.

(ii) Additional material.

(A) Narrative submittal entitled, "State Implementation Plan Revision for Carbon Monoxide for Lincoln, Nebraska", including an attainment demonstration.

(B) Emission Inventory for carbon monoxide sources.

(35) On February 2, 1987, Nebraska submitted revisions to the lead SIP for Omaha. The revisions contained a revised demonstration of attainment of the lead standard in Omaha, a revised control strategy to provide the lead emission reductions claimed in the demonstration of attainment, and Administrative Order No. 753 dated August 22, 1985, as amended by Amended Administrative Order No. 753 dated May 9, 1986, and by Second Amended Administrative Order No. 753 dated November 12, 1986. All items in the revisions were approved.

(i) Incorporation by reference.

(A) Administrative Order 753 dated August 22, 1985, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(B) Amended Administrative Order 753 dated May 9, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(C) Second Amended Administrative Order 753 dated November 12, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(ii) Additional material.

(A) 1986 Revised Demonstration of Attainment and Control Measures for the Nebraska State Implementation

Plan for Lead—Omaha, submitted by ASARCO Incorporated, October 3, 1986.

(36) Revisions to Chapter 1, “Definitions”, paragraphs 024, 025, 030, 037, 049; and Chapter 5, “Stack Heights: Good Engineering Practice (GEP)”, were submitted by the Governor on May 6, 1986.

(i) Incorporation by reference.

(A) Revisions to Chapter 1, “Definitions”, paragraphs 024, 025, 030, 037, 049; and Chapter 5, “Stack Heights: Good Engineering Practice (GEP)”, effective May 5, 1986.

(ii) Additional material.

(A) None.

(37) Revised Title 129 of Nebraska Air Pollution Control rules and regulations pertaining to PM₁₀ and other rule revisions submitted by the Governor of Nebraska on June 15, 1988.

(i) Incorporation by reference. (A) Nebraska Department of Environmental Control Title 129—Nebraska Air Pollution Control rules and regulations adopted by the Nebraska Environmental Control Council February 5, 1988, effective June 5, 1988. The following Nebraska rules are not approved: Chapter 1, definition at 013, “Best Available Control Technology”; Chapter 4, section 004.01G, except as it applies to lead; Chapter 6, section 002.04 and section 007; Appendix III except for lead; Chapter 6, section 001 pertaining to NSPS; and Chapter 12 pertaining to NESHAP.

(B) Nebraska Department of Environmental Control Title 115—Rules of Practice and Procedure, amended effective July 24, 1987.

(ii) Additional information. (A) None.

(38) Plan revisions were submitted by the Nebraska Department of Environmental Control on March 8, 1991, which implement EPA’s October 17, 1988, PSD NO_x requirements.

(i) Incorporation by reference.

(A) Revisions to title 129, chapter 7, entitled “Prevention of Significant Deterioration of Air Quality,” were adopted by the Nebraska Environmental Control Council on December 7, 1990, and became effective February 20, 1991.

(ii) Additional material.

(A) Letter from the state submitted March 8, 1991, pertaining to NO_x rules and analysis which certifies the material became effective on February 20, 1991.

(39) Plan revisions were submitted by the Governor of Nebraska on March 8, 1991.

(i) Incorporation by reference.

(A) Revisions to Nebraska Department of Environmental Control Title 129—Nebraska Air Pollution Control Rules and Regulations adopted by the Nebraska Environmental Control Council December 7, 1990, effective February 20, 1991. Revisions to the following sections are approved in this action: Chapter 1 (deletion of section 068), chapter 3 (deletion of “National” from the chapter title), chapter 4 (section 004.02), chapter 7 (section 001), chapter 10 (section 002), chapter 11 (section 002 and section 005), chapter 15 (section 002.07C), and chapter 16 (sections 001, 002.01, 002.02, and 002.03.)

(40) The Nebraska Department of Environmental Quality submitted the Small Business Assistance program State Implementation Plan revision on November 12, 1992.

(i) Incorporation by reference.

(A) Revision to the Nebraska State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program was adopted by the state of Nebraska on November 12, 1992, and became effective on the same date.

(41) On February 16, 1994, the Director of the Nebraska Department of Environmental Quality submitted revisions to the State Implementation Plan (SIP) to create a Class II operating permit program, Part D NSR rule changes, SO₂ rule corrections, and the use of enhanced monitoring.

(i) Incorporation by reference.

(A) Revised rules “Title 129—Nebraska Air Quality Regulations,” effective December 17, 1993. This revision approves all chapters except for parts of Chapters 5, 7, 8, 9, 10, 11, 12, 13, 14, and 15 that pertain to Class I permits; Chapter 17 as it relates to hazardous air pollutants; and excludes Chapters 23, 25, 26, 27, 28, 29, and 31.

(B) “Title 115—Rules of Practice and Procedure,” effective August 8, 1993, and submitted as an SIP revision on February 16, 1994.

(ii) Additional material.

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(A) Letter from Nebraska to EPA Region VII dated February 16, 1994, regarding a commitment to submit information to the RACT/BACT/LAER Clearinghouse as required in section 173(d) of the Clean Air Act.

(B) Letter from Nebraska to EPA Region VII dated June 10, 1994, regarding the availability of state operating permits to EPA and specified emissions limitations in permits.

(C) Letter from Nebraska to EPA Region VII dated November 7, 1994, regarding the increase in New Source Review (NSR) permitting thresholds.

(42) A Plan revision was submitted by the Nebraska Department of Environmental Quality on June 14, 1995, which incorporates by reference EPA's regulations relating to determining conformity of general Federal actions to State or Federal Implementation Plans.

(i) Incorporation by reference.

(A) A revision to title 129, adding chapter 40, entitled "General Conformity" was adopted by the Environmental Quality Council on December 2, 1994, and became effective on May 29, 1995.

(43) On June 14, 1995, the Director of the Nebraska Department of Environmental Quality submitted revisions to the State Implementation Plan (SIP) to modify the Class II operating permit program.

(i) Incorporation by reference.

(A) Revised rules "Title 129—Nebraska Air Quality Regulations," effective May 29, 1995. This revision applies to chapters 5, 7, 12, 17, 19, 25, 41 and deletes chapters 42, 43 and 44.

(ii) Additional material.

(A) None.

(44) On May 31 and June 2, 1995, the Director of the Nebraska Department of Environmental Quality (NDEQ) submitted revisions to the SIP to update the local ordinances of the Lincoln-Lancaster County Health Department and city of Omaha, respectively, and to create Federally enforceable Class II operating permit programs for these agencies.

(i) Incorporation by reference.

(A) 1993 Lincoln-Lancaster County Air Pollution Control Program, Version March 1995, effective May 16, 1995. This includes the following cita-

tions: Article I (except Section 6); Article II, Sections 1-12, 14-17, 19-20, 22, 24-25, 32-38; and Appendix I.

(B) Ordinance No. 33102 dated November 2, 1993, which adopts Chapter 41, Article I, Sections 41-4 through 41-6; 41-9; 41-10; Article II, Sections 41-23; 41-27; 41-38; and 41-40 and Article IV of the Omaha Municipal Code. Ordinance No. 33506 dated March 21, 1995, amends Chapter 41, Article I, Sections 41-2 and 41-9 of the Omaha Municipal Code and adopts Title 129, Nebraska Air Quality Regulations, approved December 2, 1994.

(ii) Additional material.

(A) Letter from the city of Omaha dated September 13, 1995, regarding adequate authority to implement section 112(l).

(B) Letter from the NDEQ dated November 9, 1995, regarding rule omissions and PSD.

(45) A revision to the Nebraska SIP to reduce lead emissions in the Omaha lead nonattainment area sufficient to bring that area back into attainment with the lead National Ambient Air Quality Standard.

(i) Incorporation by reference.

(A) Amended Complaint and Compliance Order Case No. 1520, signed June 6, 1996, except for paragraph 19 and accompanying work practice manual in Appendix A.

(ii) Additional material.

(A) Supplemental document entitled, "Methods for Determining Compliance" submitted by the state to provide additional detail regarding the compliance methods for this Order.

[37 FR 10877, May 31, 1972. Redesignated and amended at 64 FR 7103, Feb. 12, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1426, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§52.1427 Operating permits.

Emission limitations and related provisions which are established in the city of Omaha and Lincoln-Lancaster operating permits as Federally enforceable conditions shall be enforceable by EPA. The EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will